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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,809	08/04/2000	Akio Yamamoto	10991362-2	2510

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EXAMINER

THOMPSON, JAMES A

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/632,809

**Applicant(s)**

YAMAMOTO, AKIO

**Examiner**

James A. Thompson

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 22, 23, 28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The proposed amendments to the claims cancel some of the claims and rewrite claims 22 and 30, which were noted by Examiner as having allowable subject matter (see pages 24-25 of the previous office action, dated 08 September 2005 and mailed 20 September 2005), in independent form including all limitations of the respective base claims. Thus, the **proposed amendments to the claims are entered.**

### ***Response to Arguments***

2. Applicant's arguments, see page 5, filed 16 December 2005, with respect to the claim rejections listed in said previous office action have been fully considered and are persuasive. The claim rejections listed in said previous office action have been withdrawn. However, there still remain some formal matters which must be addressed before a Notice of Allowability can be given. The formal matters are given in detail below.

### ***Allowable Subject Matter***

3. Claims 22, 23, 28, 30 and 31 are deemed allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 22 and 30 have been rewritten in independent form including all limitations of the respective base claims. Item 9 on pages 24-25 of said previous office action discusses in detail the reasons claims 22 and 30 are allowable over the prior art. Furthermore, Examiner has been unable to find any

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additional prior art which anticipates and/or renders obvious the present claims. Claims 23 and 31 are allowable based on their dependence from claims 22 and 30, respectively. Claim 28 is allowable since claim 28 incorporates the allowable subject matter recited in claim 22.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

#### **EX-PARTE QUAYLE**

4. This application is in condition for allowance except for the following formal matters:

#### ***Specification***

5. The disclosure is objected to because of the following informalities:

On page 3 of the amendments to the specification, dated 07 July 2005, the equation for the variable "d", set between two portions of the paragraph, does not include an equation number on the far right of the page, which would be consistent with the numbering of equations (2)-(6), which are numbered properly in a subsequent portion of the specification.

Appropriate correction is required.

#### ***Claim Objections***

6. Claims 22 and 23 are objected to because of the following informalities:

Claim 22 needs to be corrected for punctuation and format. For example, on line 6, "original image, and" should be changed to "original image; and". Several other informalities exist in claim 22, which need to be addressed.

Appropriate correction is required.

7. Claim 28 is objected to because of the following informalities:

Claim 28, as presently recited, has several formal matters which require attention. Firstly, claim 28 recites "A computer readable medium or computer storage device". Claim 28 should recite "A computer readable medium" and not recite a "computer storage device" since a "computer storage device for causing a computer arrangement to perform the steps of claim 22" is simply data corresponding to a program on a computer data disk, and is not therefore a process, machine, article of manufacture, or composition of matter.

Secondly, claim 28 recites "*for causing* a computer arrangement to perform the steps of claim 22" [emphasis added]. Does the computer readable medium actually cause the computer arrangement to perform the steps of claim 22, or is said computer readable medium merely for the *purpose* of causing the computer arrangement to perform the steps of claim 22? The fact that the computer readable medium causes the computer to perform steps must be clearly recited.

Thirdly, claim 28 recites "a computer *arrangement*" [emphasis added]. By "computer arrangement", does Applicant mean a mere collection of computer components, or does Applicant mean a computer *system* or a *computer*?

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Finally, to resolve these issues, Examiner would like to suggest appropriate language for claim 28. Examiner suggests "A computer readable medium storing a program which causes a computer to perform the steps of claim 22."

Appropriate correction is required.

8. Claims 30 and 31 are objected to because of the following informalities:

Firstly, claim 30 needs to be corrected for punctuation and format. For example, on line 6, "original image, and" should be changed to "original image; and". Several other informalities exist in claim 30, which need to be addressed.

Secondly, claim 30 recites a system, but then recites "said system comprising a processor programmed to" and proceeds to list a plurality of method steps. Does Applicant intend to recite a method (which is already recited in claim 22), a computer readable medium (which is already recited in claim 28), or a system? If Applicant intends to recite a system, then there should be physical elements comprising the system, and not merely a processor. A system claim that only comprises a programmed processor would be a single means claim. Each step performed by the system of claims 30 and 31 need to have corresponding physical elements. Whether Applicant employs means-plus-function language or has particular recited physical elements of the system perform a corresponding step listed in claims 30 and 31 is left to the desire of Applicant. But Applicant must employ language that provides for a plurality of physical elements in the system which perform the steps that have thus far been recited in claims 30 and 31.

Appropriate correction is required.

**Conclusion**

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

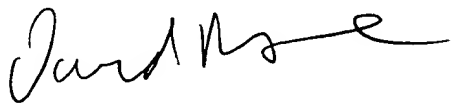
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson  
Examiner  
Art Unit 2624

  
28 December 2005

  
**DAVID MOORE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**